

FILED

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DEC 07 2015

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

DIONNIS PANKEY,

Plaintiff,

v.

GILSTER - MARY LEE CORPORATION,
a Missouri corporation,

Defendant.

Civil Action No. 15-CY-01333 SMY-SCW

JURY DEMAND

COMPLAINT

Now comes Plaintiff, DIONNIS PANKEY, *pro se*, and for her Complaint, states:

INTRODUCTION

1. Plaintiff brings this action pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq, to remedy acts of employment discrimination perpetrated by the Defendant, Gilster-Mary Lee Corporation. Plaintiff contends that Defendant discriminated against her by disciplining and discharging Plaintiff because of her race (African-American).

JURISDICTION

2. This court has jurisdiction over the subject matter of this civil action pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-5(f)(3).

VENUE

3. Venue is proper in the Southern District of Illinois under 42 U.S.C. Section 2000e-5(f)(3); as Plaintiff was employed by Defendant in Centralia, Marion County, Illinois within the Southern District and decisions adverse to Plaintiff's employment that are the subject of this civil action were made in this judicial district.

PARTIES

4. Plaintiff, DIONNIS M. PANKEY, an African-American female, is a citizen of the United States and a resident of the State of Illinois. At all times relevant to this suit, until her termination in December 2013, she was employed by Defendant at its factory in Centralia, Marion County, State of Illinois.

5. Defendant, GILSTER MARY-LEE CORPORATION, is a Missouri corporation doing business in the State of Illinois and at all times material herein owned and operated a factory in the City of Centralia, Marion County, State of Illinois, at which it made and produced cake mixes and other similar products.

STATEMENT OF FACTS

6. Plaintiff, DIONNIS M. PANKEY, was employed by Defendant from 1999 to her termination on December 18, 2013.

7. During her employment, Plaintiff worked her way up from operator to head team supervisor, the position she held at the time of her termination.

8. Plaintiff's immediate supervisor was Dan Laquet, a white male.

9. During the last several years of her employment, Plaintiff noted an increasingly harsh and disparate treatment of African American employees, including herself.

10. On or about December 12, 2013, Defendant initially suspended Plaintiff then discharged Plaintiff.

11. The discharge of Plaintiff was for pretextual reasons but, in truth and fact, was based upon her race, African American.

12. After Plaintiff's discharge, when Plaintiff complained to Defendant and alleged her discharge was racially motivated, Defendant purported to offer to rehire Plaintiff but only with a significant demotion and reduction from supervisor.

13. The adverse job actions taken against Plaintiff were a means and method to remove Plaintiff, an African American, as a supervisor.

14. The Defendant's conduct as alleged at length herein constitutes discrimination based on race in violation of Title VII. The stated reasons for the Defendant's conduct were not true reasons, but instead were pretext to hide the Defendant's discriminatory animus.

15. On or about February 27, 2014, Plaintiff filed charges of discrimination with the Equal Employment Opportunity Commission (EEOC).

16. On September 2, 2015, the EEOC issued a Dismissal and Notice of Rights. A true and correct copy of said Dismissal and Notice of Rights is attached hereto and incorporated herein by reference as Exhibit A.

17. Plaintiff received said Dismissal and Notice of Rights on September 8, 2015.

WHEREFORE, Plaintiff, DIONNIS M. PANKEY, requests that the court award her:

A. A sum of money in excess of \$150,000.00 to compensate Plaintiff for her damages suffered because of the discrimination and retaliation.

B. Costs and reasonable attorney's fees incurred with this lawsuit with interest thereon; and

C. Other damages and further relief as deemed just.

JURY DEMAND

Plaintiff requests trial by jury.

Respectfully submitted,

By


Dionnis M. Pankey

Dionnis M. Pankey
135 N. Beech
Centralia, IL 62801
TEL: 618/204-2066
Email: deepankey13@gmail.com

STATEMENT

I, Lori Gruen, the undersigned, state as follows:

1. I reside at 287 North Orange in Sandoval, Illinois.
2. I am an employee hired by Manpower in 2003 to work at the Gilster Mary-Lee plant in Centralia, Illinois, and presently work as an operator at the rate of \$11.95 per hour.
3. I was a co-worker of Dionnis Pankey prior to her being fired on December 18, 2013.
4. Based upon my observations of activities at Gilster Mary-Lee, I believe Dionnis Pankey was treated differently because of her race.
5. Based upon my observations of activities at Gilster Mary-Lee, I believe Dionnis Pankey was passed over several times for supervisory positions due to her race.
6. Since the firing of Dionnis Pankey on December 18, 2013, there have been several other persons fired from Gilster Mary-Lee who worked on the same line as Dionnis Pankey and who are black.
7. I witnessed an incident in the past when a supervisor, Dan, tried to blame Dionnis for allegedly hitting a fellow male employee and, as I had witnessed the incident between Dionnis and the man, I knew Dionnis had not hit the man.
8. I further state that I am willing to testify in court, under oath, to the foregoing.

Dated: 4-25, 2014.

Lori Gruen

Signature

Lori Gruen

Printed Name

111 Wall St.

Address

Centralia, IL 62801

City, State, Zip

618-918-3191

Telephone Number

STATEMENT

I, Sabrina Chase, the undersigned, state as follows:

1. I reside at 1007 Maulding Drive in Centralia, Illinois and I am African American.

2. I was hired by Manpower to work at the Gilster Mary-Lee plant in Centralia, Illinois, and worked as a filler operator at the rate of \$8.25 per hour.

3. I was a co-worker of Dionnis Pankey prior to her being fired on December 18, 2013.

4. Based upon my observations of activities at Gilster Mary-Lee, I believe Dionnis Pankey was treated differently because of her race.

5. Since the firing of Dionnis Pankey on December 18, 2013, there have been several other persons fired from Gilster Mary-Lee who worked on the same line as Dionnis Pankey and who are black.

6. I witnessed the incident between Dionnis Pankey and Michelle Phillips and gave a statement as to what I observed which I was told would be typed up and placed in the personnel file of Dionnis Pankey. I signed my statement after it was typed and personally gave it to Chuck Mattmiller.

7. I observed Linda Phee shredding documents in the office.

8. Since the firing of Dionnis Pankey on December 18, 2013, the atmosphere at the Gilster Mary-Lee plant has deteriorated and there is a bad attitude towards employees who are African American on the part of the supervisors.

9. I further state that I am willing to testify in court, under oath, to the foregoing.

Dated: April 25, 2014.

Sabrina Chase
Signature

Sabrina Chase
Printed Name

1007 Maulding Dr.
Address

Centralia, IL 62801
City, State, Zip

314-305-0832
Telephone Number

STATEMENT

I, Jerome Johnson, the undersigned, state as follows:

1. I reside at 809 Haussler in Centralia, Illinois and I am African American.

2. I was hired by Manpower to work at the Gilster Mary-Lee plant in Centralia, Illinois, and worked in production at the rate of \$8.25 per hour.

3. I was a co-worker of Dionnis Pankey prior to her being fired on December 18, 2013.

4. Based upon my observations of activities at Gilster Mary-Lee, I believe Dionnis Pankey was treated differently because of her race.

5. I was in the hallway and witnessed the confrontation between Dionnis Pankey and Michelle Phillips.

6. After the firing of Dionnis Pankey on December 18, 2013, I was fired on December 21, 2013 and there have been several other persons fired from Gilster Mary-Lee who worked on the same line as Dionnis Pankey and who are black.

7. At the time I was fired, I was told that the company was downsizing, however, since that time they have hired 25-50 people.

8. I further state that I am willing to testify in court, under oath, to the foregoing.

Dated: 5/4/, 2014.

Jerome Johnson
Signature

Jerome Johnson
Printed Name

809 HAUSSLER
Address

CENTRALIA IL. 62801
City, State, Zip

618-267-2648
Telephone Number

STATEMENT

I, Whitney Williams, the undersigned, state as follows:

1. I reside at 907 North Lincoln in Centralia, Illinois and I am African American.

2. I was hired by Manpower to work at the Gilster Mary-Lee plant in Centralia, Illinois, and worked as an operator at the rate of \$8.75 per hour.

3. I was a co-worker of Dionnis Pankey prior to her being fired on December 18, 2013.

4. Based upon my observations of activities at Gilster Mary-Lee, I believe Dionnis Pankey was treated differently because of her race.

5. Since the firing of Dionnis Pankey on December 18, 2013, there have been several other persons fired from Gilster Mary-Lee who worked on the same line as Dionnis Pankey and who are black.

6. I witnessed the incident between Dionnis Pankey and Michelle Phillips and gave a statement as to what I observed which I was told would be typed up and placed in the personnel file of Dionnis Pankey.

7. I resigned from Gilster Mary-Lee on or about February 4, 2014 due to the deteriorating hostile atmosphere at the plant.

8. I further state that I am willing to testify in court, under oath, to the foregoing.

Dated: April 25, 2014.


Signature

Whitney Williams
Printed Name

907 N. Lincoln
Address

Centralia, IL 62801
City, State, Zip

(618) 292-4363
Telephone Number

STATEMENT

I, James Gragg, the undersigned, state as follows:

1. I reside at 527 North Oak in Centralia, Illinois and I am African American.

2. I was hired by Manpower to work at the Gilster Mary-Lee plant in Centralia, Illinois, and worked as a filler operator at the rate of \$10.25 per hour.

3. I was a co-worker of Dionnis Pankey prior to her being fired on December 18, 2013.

4. Based upon my observations of activities at Gilster Mary-Lee, I believe Dionnis Pankey was treated differently because of her race.

5. I was in the hallway and witnessed the confrontation between Dionnis Pankey and Michelle Phillips.

6. After the firing of Dionnis Pankey on December 18, 2013, I was fired on December 28, 2013 and there have been several other persons fired from Gilster Mary-Lee who worked on the same line as Dionnis Pankey and who are black.

7. I further state that I am willing to testify in court, under oath, to the foregoing.

Dated: 04/25, 2014.

James Gragg
Signature

James Gragg
Printed Name

527 N. Oak St
Address

Centralia, IL, 62801
City, State, Zip

618-322-6213
Telephone Number

STATEMENT

I, Carol Pruitt, the undersigned, state as follows:

1. I reside at 202 South Johnson in Kell, Illinois and I am White.
2. I was hired by Gilster Mary-Lee to work at the plant in Centralia, Illinois, and worked in several positions during my employment at the plant.
3. Dionnis Pankey was my assistant prior to my quitting in August of 2011.
4. Based upon my observations of activities at Gilster Mary-Lee, I believe Dan Laquet was sexist and disrespected women.
5. I further state that I am willing to testify in court, under oath, to the foregoing.

Dated: 4-30, 2014.

A Carol Pruitt
Signature

A CAROL PRUITT
Printed Name

202 S Johnson
Address

Kell IL 62853
City, State, Zip

618-822-6010
Telephone Number

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Dionnis M. Pankey
c/o Eric L. Terlizzi, Esq.
Attorney at Law
202 W. Schwartz
Salem, IL 62881

From: Chicago District Office
500 West Madison St
Suite 2000
Chicago, IL 60661

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

440-2014-01594

EEOC Representative

Sherice Galloway,
Investigator

Telephone No.

(312) 869-8132

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Julianne Bowman
Julianne Bowman,
District Director

9/2/15

(Date Mailed)

Enclosures(s)

cc:

Gilster-Mary Lee Corporation
c/o Charles S. Elbert, Esq
Shands, Elbert, Gianoulakis & Giljum, LLP
Attorneys at Law
1 North Brentwood Blvd, Suite 800
St. Louis, MO 63105

